

Tuesday in January and the fourth Tuesday in May. The clerk of the district court shall appoint a deputy clerk at each place where the court is now required to be held at which the clerk shall not himself reside, who shall keep his office and reside at the place appointed for the holding of said court."

Approved, April 10, 1926.

Deputy clerks and offices.

CHAP. 114.—An Act To amend an Act entitled "An Act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914.

April 10, 1926.
[H. R. 6117.]
[Public, No. 97.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alaskan Railroad Act approved March 12, 1914, is hereby amended so as to permit the issuance of passes to ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, and persons exclusively engaged in charitable and eleemosynary work when engaged in their work in Alaska; to indigent, destitute, and homeless persons, inmates of hospitals and charitable and eleemosynary institutions, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to newsboys on trains, persons injured in wrecks and physicians and nurses attending such persons; the interchange of passes for the officers, agents, and employees of common carriers, and their families; and the carrying of passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

Alaskan Railroad.
Free transportation on, extended.
Vol. 38, p. 306, amended.

Approved, April 10, 1926.

CHAP. 115.—An Act To amend section 9 of the Act of May 27, 1908 (Thirty-fifth Statutes at Large, page 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes.

April 10, 1926.
[H. R. 4761.]
[Public No. 98.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Act of May 27, 1908 (Thirty-fifth Statutes at Large, page 312), entitled "An Act for the removal of restrictions on part of the lands of allottees of the Five Civilized Tribes, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 9. The death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That hereafter no conveyance by any full-blood Indian of the Five Civilized Tribes of any interest in lands restricted by section 1 of this Act acquired by inheritance or devise from an allottee of such lands shall be valid unless approved by the county court having jurisdiction of the settlement of the estate of the deceased allottee or testator: *Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March 4, 1906, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior for the use and support of such issue, during their life or lives, until April 26, 1931; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from restrictions; if this be not done, or in the event the issue hereinabove provided for die before April 26, 1931,

Five Civilized Tribes.
Vol. 35, p. 315, amended.

Alienation restrictions removed by death of allottee.

Proviso.
Conveyances by full-blood Indians of interests acquired from allottees.
Vol. 35, p. 312.

Distribution of homesteads of allottees of half blood or more.

In case of no issue.

the land shall then descend to the heirs, according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided*, That the word "issue" as used in this section shall be construed to mean child or children: *Provided further*, That the provisions of section 23 of the Act of April 26, 1906, as amended by this Act, are hereby made applicable to all wills executed under this section: *And provided further*, That all orders of the county court approving such conveyances of such land shall be in open court and shall be conclusive as to the jurisdiction of such court to approve such deed: *Provided*, That all conveyances by full-blood Indian heirs heretofore approved by the county courts shall be deemed and held to conclusively establish the jurisdiction of such courts to approve the same except where more than one such conveyance of the same interest in the same land has been made by the same Indian to different grantees and approved by county courts of different counties prior to the passage of this Act, and except that this proviso shall not affect and may not be pleaded in any suit brought before the approval of this Act."

SEC. 2. The statutes of limitations of the State of Oklahoma are hereby made and declared to be applicable to and shall have full force and effect against all restricted Indians of the Five Civilized Tribes, and against the heirs or grantees of any such Indians, and against all rights and causes of action heretofore accrued or hereafter accruing to any such Indians or their heirs or grantees, to the same extent and effect and in the same manner as in the case of any other citizen of the State of Oklahoma, and may be pleaded in bar of any action brought by or on behalf of any such Indian, his or her heirs or grantees, either in his own behalf or by the Government of the United States, or by any other party for his or her benefit, to the same extent as though such action were brought by or on behalf of any other citizen of said State: *Provided*, That no cause of action which heretofore shall have accrued to any such Indian shall be barred prior to the expiration of a period of two years from and after the approval of this Act, even though the full statutory period of limitation shall already have run or shall expire during said two years' period, and any such restricted Indian, if competent to sue, or his guardian, or the United States in his behalf, may sue upon any such cause of action during such two years' period free from any bar of the statutes of limitations.

SEC. 3. Any one or more of the parties to a suit in the United States courts in the State of Oklahoma or in the State courts of Oklahoma to which a restricted member of the Five Civilized Tribes in Oklahoma, or the restricted heirs or grantees of such Indian are parties, as plaintiff, defendant, or intervenor, and claiming or entitled to claim title to or an interest in lands allotted to a citizen of the Five Civilized Tribes or the proceeds, issues, rents, and profits derived from the same, may serve written notice of the pendency of such suit upon the Superintendent for the Five Civilized Tribes, and the United States may appear in said cause within twenty days thereafter, or within such extended time as the trial court in its discretion may permit, and after such appearance or the expiration of said twenty days or any extension thereof the proceedings and judgment in said cause shall bind the United States and the parties thereto to the same extent as though no Indian land or question were involved. Duplicate original of the notice shall be filed with the clerk of the court in which the action is pending and the notice shall be served on the Superintendent for the Five Civilized Tribes or, in case of his absence from his principal office, upon one of his assistants, and shall be served within ten days after the general appearance in the case of the party who causes the

"Issue" construed.

Acknowledgment of wills.

Vol. 34, p. 145.

Orders in open county court.

Previous conveyances by full-blood Indians.

Oklahoma statutes of limitations applicable against restricted Indians, etc.

Effect of.

Proviso.
Extension to actions heretofore accrued.

Notice to be served on Superintendent of Five Civilized Tribes of suits in Federal or State courts affecting restricted allotments, etc.

Appearance of United States.

Filing of notice, etc.

notice to be issued. The notice shall be accompanied by a certified copy of all pleadings on file in the suit at the time of the filing of the duplicate original notice with the clerk and shall be signed by the party to the action or his or her counsel of record and shall be served by the United States marshal and due return of service made thereon, showing date of receipt and service of notice. If notice is not served within the time herein specified, or if return of service thereof be not made within the time allowed by law for the return of service of summons, alias notices may be given until service and return of notice is had and in no event shall the United States be bound unless written notice is had as herein specified: *Provided*, That within twenty days after the service of such notice on the Superintendent for the Five Civilized Tribes or within such extended time as the trial court in its discretion may permit the United States may be, and hereby is, given the right to remove any such suit pending in a State court to the United States district court by filing in such suit in the State court a petition for the removal of such suit into the said United States district court, to be held in the district where such suit is pending, together with the certified copy of the pleadings in such suit served on the Superintendent for the Five Civilized Tribes as hereinbefore provided. It shall then be the duty of the State court to accept such petition and proceed no further in said suit. The said copy shall be entered in the said district court of the United States within twenty days after the filing of the petition for removal and the defendants and intervenors in said suit shall within twenty days thereafter plead, answer, or demur to the declaration or complaint in said cause, and the cause shall then proceed in the same manner as if it had been originally commenced in said district court, and such court is hereby given jurisdiction to hear and determine said suit, and its judgment may be reviewed by certiorari, appeal, or writ of error in like manner as if the suit had been originally brought in said district court.

Approved, April 12, 1926.

Service and return.

Provido.
Removal from State
to Federal court au-
thorized.

Jurisdiction of district
court, etc.

CHAP. 116.—An Act To authorize the use by the city of Tucson, Arizona, of certain public lands for a municipal aviation field, and for other purposes.

April 12, 1926.
[S. 2029.]

[Public, No. 90.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized to lease to the city of Tucson, Arizona, for the establishment and maintenance of a municipal aviation field, sections 26 and 27 in township 14 south of range 14 east, G. and S. R. B. and M, Pima County, Arizona, containing one thousand two hundred and eighty acres, more or less.

Public lands.
Lease of, to Tucson,
Ariz., for aviation field.

SEC. 2. That said lease shall be for a period of twenty years, and be subject to renewal for a like period, on condition that the city pay to the United States a rental of \$1 per year for the use of the said land: *Provided*, That Government departments and agencies operating aircraft shall always have free and unrestricted use of said field and the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft, and that in case of emergency, or in event it shall be deemed advisable, the Government of the United States may assume absolute control of the management and operation of said field for military purposes.

Period of lease, etc.

Provido.
Government free
use, etc., retained.

Approved, April 12, 1926.